

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 2 has been amended, and claims 6-7 have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 2-7 are pending and under consideration.

In the Office Action, at page 3, item 5, the Examiner indicated that claim 3 would be allowable if rewritten in independent form. Applicant, however, holds in abeyance the rewriting of claim 3 until the Examiner has had an opportunity to consider the remarks below with respect to claim 2.

CHANGES TO THE SPECIFICATION:

Changes have been made to the specification only to place it in preferred and better U.S. form for issuance. No new matter has been added.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 2, item 3, the Examiner rejected claims 2 and 4 under 35 U.S.C. §103 (a) as being unpatentable over Nachtigal et al. (U.S. 6,559,633 - hereinafter Nachtigal) in view of French et al. (U.S. 6,161,962 - hereinafter French). Nachtigal is a newly cited reference. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

Independent claim 2 recites "...a sealing member secured to the stationary bearing ring; and the temperature sensor secured to the sealing member to measure a temperature inside the bearing assembly, wherein the sealing member includes a plate-like core metal fitted to the stationary bearing ring, and an elastic member made of one of rubber and resin and integrated together with the core metal and wherein the temperature sensor is secured to a plate surface of the core metal in contact therewith, to determine a temperature of the core metal."

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to have utilized the sensor module B of French in the bearing assembly of Nachtigal. Applicant respectfully disagrees.

In Nachtigal, the rotation sensing device 30 is inserted into an aperture 22 of the second support member 20, resulting in a very small contact area between the rotation sensing device 30 and the second support member 20. Applicant respectfully submits that a hypothetical structure according to a combination of Nachtigal and French, in which sensor module B of French is inserted into an aperture 22 of the second support member 20 of Nachtigal, because of the very small contact area, would not accomplish an accurate measure of the temperature inside the bearing assembly. In contrast, in the bearing assembly of claim 2, in which temperature sensor is secured to the plate surface of the plate-like core metal, provides for a more precise temperature sensing.

Additionally, the device disclosed in Nachtigal is intended to solve several problems. Among them is to provide a device that does not require complicated assembly procedures, and has a seal package that encloses and protects the encoder and sensor from the bearing surfaces and the surroundings. (See Nachtigal, at col. 2, lines 28-30 and 54-56, and col. 3, lines 16-20 and 26-28).

In French, the three module holes 74, through which the sensor module B is inserted, extend completely through the wall of the cup 46, into the interior of the cup. (French, at col. 4, lines 21-24). When any of the three module holes 74 are not housing the sensor module B, they are plugged to prevent contaminants from entering the interior of the bearing. Thus, when the sensor module B is installed as intended, through one of the module holes 74, the sensor module B is not protected from the interior of the bearing by a sealing package.

Further, assembly of the myriad parts of the structure required to house the sensor module B (see FIGS. 1, 3, and 4 of French) is certainly not less complicated than assembly of the device disclosed in Nachtigal.

Thus, Applicant respectfully submits that Nachtigal teaches away from French, and that one of ordinary skill in the art would not be motivated to combine French and Nachtigal, as suggested by the Examiner.

Applicant respectfully submits that claim 2 patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicant respectfully submits that, claim 4, which depends from independent claim 2, should be allowable for at least the same reasons as claim 2, as well as for the additional features recited therein.

In the Office Action, at page 3, item 4, the Examiner rejected claim 5 under 35 U.S.C. §103 (a) as being unpatentable over Nachtigal in view of French, and further in view of Gomez et al. (U.S. 5,833,371- hereinafter Gomez). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicant respectfully submits that, claim 5, which depends from independent claim 2, should be allowable for at least the same reasons as claim 2, as well as for the additional features recited therein.

NEW CLAIMS

New independent claim 6 recites a rolling bearing assembly comprising: "a sealing member secured to the stationary bearing and comprising a core metal and an elastic member made of one of rubber and resin and integrated together with the core metal, the temperature sensor contacting and being affixed to a plate surface of the core metal, and determining a temperature of the core metal."

For reasons similar to those set forth above regarding the rejection under 35 U.S.C. §103, Applicant respectfully submits that independent claim 6, and claim 7, which depends from claim 6, patentably distinguish over the cited art.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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